

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

**THE UNITED STATES OF AMERICA, and
THE STATE OF MISSISSIPPI
ex rel, W. BLAKE VANDERLAN, M.D.**

PLAINTIFFS

V.

CAUSE NO. 3:15-cv-767-DPJ-FKB

**JACKSON HMA, LLC d/b/a
Central Mississippi Medical Center;
and
MERIT HEALTH CENTRAL - JACKSON
successor in interest to
Jackson HMA, LLC d/b/a
Central Mississippi Medical Center**

DEFENDANTS

**RELATOR’S MOTION FOR PRELIMINARY INJUNCTION, OR
ALTERNATIVELY, FOR TEMPORARY RESTRAINING ORDER**

COMES NOW, Plaintiff/Relator, W. Blake Vanderlan, M.D. (“Relator Vanderlan”) and files this Motion for Preliminary Injunction, or Alternatively, for Temporary Restraining Order, as follows:

1. This *qui tam* False Claims Act (“FCA”) case was filed by Relator Vanderlan against Defendants based on information he provided to the Government that led to an investigation into “patient dumping” at CMMC arising from the unlawful transfer of uninsured African American patients to a public hospital, i.e., UMMC. Based on information provided solely by Relator Vanderlan, the Federal Government uncovered fraud and violations of federal law creating deficiencies so serious in the CMMC emergency department that “they constitute[d] an immediate threat and jeopardy to the health and safety” of CMMC emergency department patients.

2. On August 31, 2017, the Government filed its Notice of Non-Intervention. Just days prior to its filing, the Government notified counsel for Relator Vanderlan that it was in settlement negotiations with Defendants to try and resolve all federal claims through payment of what the Government described as a discretionary regulatory fine.

3. The Government has stated its position that it is seeking to rebrand Relator Vanderlan's claims as "non FCA" in an effort to settle around this FCA case and cut Relator Vanderlan out of proceeds guaranteed by federal law. Relator Vanderlan has filed a Motion to Join the Government in this case pursuant to Rule 19 [Doc. # 25]. Relator Vanderlan seeks injunctive relief to allow this Court the time and opportunity to determine whether Relator Vanderlan has pled claims under the FCA that could be negatively affected by any settlement.

4. Fed.R.Civ.P. 65 authorizes this court to grant injunctive relief to preserve the *status quo* while giving this Court the time and opportunity to enter all appropriate orders to ensure Relator Vanderlan's rights guaranteed by federal law are protected in any settlement which the Defendants seek to consummate. *See, e.g., Janvey v. Alguire*, 647 F.3d 585, 595 (5th Cir. 2011) (district court was correct to grant preliminary injunction to preserve the *status quo* before deciding whether to compel arbitration).

DATED this the 1st day of September, 2017.

Respectfully submitted,

W. BLAKE VANDERLAN, M.D. by:

By: /s/ C. VICTOR WELSH, III
C. VICTOR WELSH, III

CERTIFICATE OF SERVICE

I, C. Victor Welsh, III, certify that a true and correct copy of the above pleading has been served by this Court's electronic filing system (CM/ECF) to counsel of record.

DATED this the 1st day of September, 2017.

By: /s/ C. VICTOR WELSH, III
C. VICTOR WELSH, III

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